

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|  |  |   |
|--|--|---|
| Applicant's or agent's file reference<br>P803311/WO/1  | <b>FOR FURTHER ACTION</b>  | See item 4 below  |
| International application No.<br>PCT/EP2004/013765   | International filing date ( <i>day/month/year</i> )<br>03 December 2004 (03.12.2004) | Priority date ( <i>day/month/year</i> )<br>30 January 2004 (30.01.2004) |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |  |   |
| Applicant<br>DAIMLERCHRYSLER AG  |  |   |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.  
  
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:
 

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report   |
| <input type="checkbox"/> Box No. II           | Priority  |
| <input type="checkbox"/> Box No. III          | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV           | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI           | Certain documents cited   |
| <input type="checkbox"/> Box No. VII          | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII         | Certain observations on the international application   |
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

|   |  |
|---|--|
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland | Date of issuance of this report<br>18 October 2006 (18.10.2006)                    |
| Facsimile No. +41 22 338 82 70  | Authorized officer<br><br><b>Agnes Wittmann-Regis</b><br><br>e-mail: pt06@wipo.int |

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

|   |   |   |  |
|---|---|---|--|
| Applicant's or agent's file reference<br><b>P803311/WO/1</b>  |   | FOR FURTHER ACTION<br>See paragraph 2 below         |  |
| International application No.<br><b>PCT/EP2004/013765</b>   | International filing date (day/month/year)<br><b>03.12.2004</b> | Priority date (day/month/year)<br><b>30.01.2004</b> |  |
| International Patent Classification (IPC) or both national classification and IPC<br><b>B60R21/01</b> |   |   |  |
| Applicant<br><b>DAIMLERCHRYSLER AG</b>  |   |   |  |

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

|  |                    |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No.                          | Telephone No.      |

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013765

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013765

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

|                               |        |             |     |
|-------------------------------|--------|-------------|-----|
| Novelty (N)                   | Claims | <u>2-8</u>  | YES |
|                               | Claims | <u>1, 9</u> | NO  |
| Inventive step (IS)           | Claims | <u>-</u>    | YES |
|                               | Claims | <u>1-9</u>  | NO  |
| Industrial applicability (IA) | Claims | <u>1-9</u>  | YES |
|                               | Claims | <u></u>     | NO  |

2. Citations and explanations:

- 1 Reference is made to the following documents:  
 D1: DE 41 12 579 A1 (NISSAN MOTOR CO., LTD.,  
 YOKOHAMA, KANAGAWA, JP; NISSAN MOTOR CO.,  
 LTD) 24 October 1991 (1991-10-24)  
 D2: US 6 134 492 A (BREED ET AL) 17 October 2000  
 (2000-10-17)  
 D3: GB 2 319 997 A (\* AUTOLIV DEVELOPMENT AB) 10  
 June 1998 (1998-06-10)
- 2 INDEPENDENT CLAIM 1
- 2.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (see D1, abstract and column 4, line 7 - column 5, line 20): a driver restraining system in a motor vehicle comprising an airbag (5) which is integrated into a steering device. In the event of a crash, the steering device is positioned and a trigger decision to open the airbag (10) and an unfolding feature of the airbag (5) is determined

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013765

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

by a control unit (9), whose input signals comprise a signal from a crash detection sensor system (69) and a signal from a passenger compartment sensor system (39, 49, 57, 65, 67), which comprises at least one facility for recognising the seat position (39, 49) and a sensor system (65, 67) for collecting morphological data relating to the driver of the vehicle. In the event of a crash, a motorised seat adjustment device (43) for the driver's seat is controlled by the control unit (9) in a synchronised manner.

3 DEPENDENT CLAIMS 2-9

Claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements with regard to novelty or inventive step.

3.1 DEPENDENT CLAIMS 2-6

Document D1 discloses the following features of claims 2-6:

- a weight sensor;
- a sensor in the roof lining;
- detecting the distance of the vehicle driver from a steering wheel;

3.2 DEPENDENT CLAIMS 7 and 8

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/013765

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

Document D1 discloses the following features of  
claims 7 and 8:

- a sensor on the exit flap of the airbag module;
- a capacitive sensor.

4. **Industrial applicability:** The device specified in  
claims 1-9 (driver restraining system) can be used  
in the vehicle manufacturing industry.